

PATENT COOPERATION TREATY

PCT

DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT

(PCT Article 17(2)(a), Rules 13ter.1(c) and Rule 39)

Applicant's or agent's file reference 21C033612WO2	IMPORTANT DECLARATION	Date of mailing(day/month/year) 26/01/2005
International application No. PCT/IB2004/002485	International filing date(day/month/year) 30/07/2004	(Earliest) Priority date(day/month/year) 31/07/2003
International Patent Classification (IPC) or both national classification and IPC H03H11/12		
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This International Searching Authority hereby declares, according to Article 17(2)(a), that **no international search report will be established** on the international application for the reasons indicated below

1. ☐ The subject matter of the international application relates to:
 - a. ☐ scientific theories.
 - b. ☐ mathematical theories
 - c. ☐ plant varieties.
 - d. ☐ animal varieties.
 - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
 - f. ☐ schemes, rules or methods of doing business.
 - g. ☐ schemes, rules or methods of performing purely mental acts.
 - h. ☐ schemes, rules or methods of playing games.
 - i. ☐ methods for treatment of the human body by surgery or therapy.
 - j. ☐ methods for treatment of the animal body by surgery or therapy.
 - k. ☐ diagnostic methods practised on the human or animal body.
 - l. ☐ mere presentations of information.
 - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art.
2. ☒ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:

☐ the description
☒ the claims
☐ the drawings
3. ☐ The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished or does not comply with the standard.
 ☐ the computer readable form has not been furnished or does not comply with the standard.
4. ☐ The failure of the tables related to the nucleotide and/or amino acid sequence listing to comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished.
 ☐ the computer readable form has not been furnished or does not comply with the technical requirements.
5. Further comments: see continuation sheet

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The present application contains 200 claims of which 26 are independent. There is no clear distinction between the independent claims because of overlapping scope. There are so many claims, and they are drafted in such a way that the claims as a whole are not in compliance with the provisions of clarity and conciseness (Article 6 PCT), as it is particularly burdensome for a skilled person to establish the subject-matter for which protection is sought.

The 26 independent claims present overlapping scope as well in the preamble, as in the characterising portion, and the overlapping scope is changing from an independent claim to another. For example, most of the independent claims define at least three operational amplifiers, but the defined topology (e.g. connections and/or the other electronic components playing an important role in solving the problems as stated in the present application) and therefore the addressed solutions differ from an independent claim to another.

Particularly, the use in all independent claims and in a big number of dependent claims of alternatives and of words like "preferably" render the claims vague as it is not clear what is the subject-matter for which protection is sought.

Although it is stated in the introductory part of the description that the present application relates to techniques adapted to compensate for the parasitic poles generated by the amplifiers used in active filters, the multitude and variety of embodiments do not allow the detection of a clear, reasonable basis indicating the subject-matter which might be considered to be the core of the invention and which might be expected to be the subject of the claims later in the procedure.

Moreover, the part of the description stating the aims of the present invention (see pag. 4, line 24 - pag. 5, line 17) is drafted in vague terms and the objectives to be achieved are only superficially formulated without providing any clear hint concerning the development direction of the embodiments to follow.

The non-compliance with the substantive provisions is to such an extent that a meaningful search of the whole claimed subject-matter could not be carried out (Article 17(2) PCT and PCT Guidelines 9.30).

There being no reasonable basis in the application that clearly indicates the subject matter which might be expected to form the subject of the claims later in the procedure, no search at all was deemed possible. More exactly, it was not possible to find such indication as the description does not only contain a single embodiment but so many embodiments that in view of the drafting of the claims an expected fall back position could not be determined.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the

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claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.